IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32064 of 2006(P)

PETITIONER:

K. JAYAKUMAR, S/O.KUNJUKRISHNA PILLAI,
AGED 38 YEARS, MUUNUTHENGIL, MURUNTHAL,
PERINADU P.O., KOLLAM DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERARIVE SOCIETIES, KOLLAM.

2. MURUNTHAL SERVICE CO-OPERATIVE BANK LIMITED NO.1814, ANCHALMOODU, PERINADU P.O., KOLLAM DISTRICT, REPRESENTED BY ITS SECRETARY.

3. THE BOARD OF DIRECTORS, MURUNTHAL SERVICE CO-OPERATIVE BANK LIMITED NO.1814, ANCHALMOODU, PERINADU P.O., KOLLAM DISTRICT REPRESENTED BY ITS PRESIDENT.

4. V.S. ANILKUMAR, S/O.SREEHARAN, MURINTHAL, PERINADU P.O., KOLLAM DISTRICT.

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 32064 of 2006 (P)

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Dated this the 4th day of December, 2006

J U D G M E N T

Under order dated 04/10/2006, the first respondent has disqualified one Anil Kumar of the second respondent Society. He came before this Court preferring W.P.(C) No.31249/2006. Disposing of the same, this Court directed him to challenge the disqualification order before the Government. However, a stay of the said order dated 04/10/2006 was given for a period of three weeks.

2. The prayer of the writ petitioner, herein, is to direct the first respondent Joint Registrar to further direct the third respondent Board of Directors, not to take any policy decisions, with regard to the management of the second respondent Society, as there is no quorum for the Board of Directors.

3. The Government Pleader submitted that after the disqualification and loss of quorum of the board of directors, an Administrator was appointed. However, because of the stay

of three weeks granted to the writ petitioner in W.P(C) No.31249/2006, the board of directors continue in office and Administrator could not take over the administration.

4. As I have already directed the fourth respondent, who preferred W.P.(C) No.31249/2006, to approach the Government, I am of the view that the writ petitioner may also approach the Government, if so advised. The matter is being now seized by the Government. Hence, it is not necessary to direct the first respondent Joint Registrar to pass intervening orders on the matter that is under consideration of the Government, in the appellate jurisdiction.

5. However, if the first respondent Joint Registrar is of the opinion that any orders are to be passed for the best interest of the second respondent Society, he may do so, according to the Kerala Co-operative Societies Act and Rules, therein.

The writ petition is closed as above.

(J.M.JAMES)
Judge

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